DOCUMENT RESUME

ED 365 072 EC 302 697

| | |
|---|---|
| TITLE | Special Education in Alaska. A Guide for Parents. |
| INSTITUTION | Alaska State Dept. of Education, Juneau. |
| PUB DATE | [92] |
| NOTE | 68p. |
| PUB TYPE | Guides - Non-Classroom Use (055) -- Reference Materials - Vocabularies/Classifications/Dictionaries (134) |
| EDRS PRICE | MF01/PC03 Plus Postage. |
| DESCRIPTORS | Access to Education; Child Advocacy; Childrens Rights; *Compliance (Legal); *Disabilities; *Due Process; Educational Legislation; Elementary Secondary Education; Equal Education; Federal Legislation; Hearings; Individualized Education Programs; Legal Responsibility; *Parent Rights; *Parent School Relationship; Preschool Education; *Special Education; State Legislation; Student Evaluation; Student Placement |
| IDENTIFIERS | *Alaska |

ABSTRACT

This guide to special education is intended for parents of children, ages 3-21, with disabilities in Alaska. After a brief introduction, major chapters address the following specific rights under Alaskan and federal law: (1) the right to a free appropriate public education; (2) the right to evaluations and re-evaluations; (3) the right to an individualized education program; (4) the right to an appropriate school placement; (5) the right to disagree with school officials; (6) the right to special protections in discipline and in behavior programs; (7) the right to a high school diploma; (8) the right to preschool services; and (9) other important special education rights. Provided when appropriate are lists of specific actions parent might take, suggested guidelines, timelines, definitions, and explanations of procedures. Nine appendices include: definitions of exceptionalities, sample letters requesting evaluations and hearings, a list of parent advocacy and support groups, a glossary of special education terms, a legal bibliography of five items, and a list of frequently used acronyms. (DB)

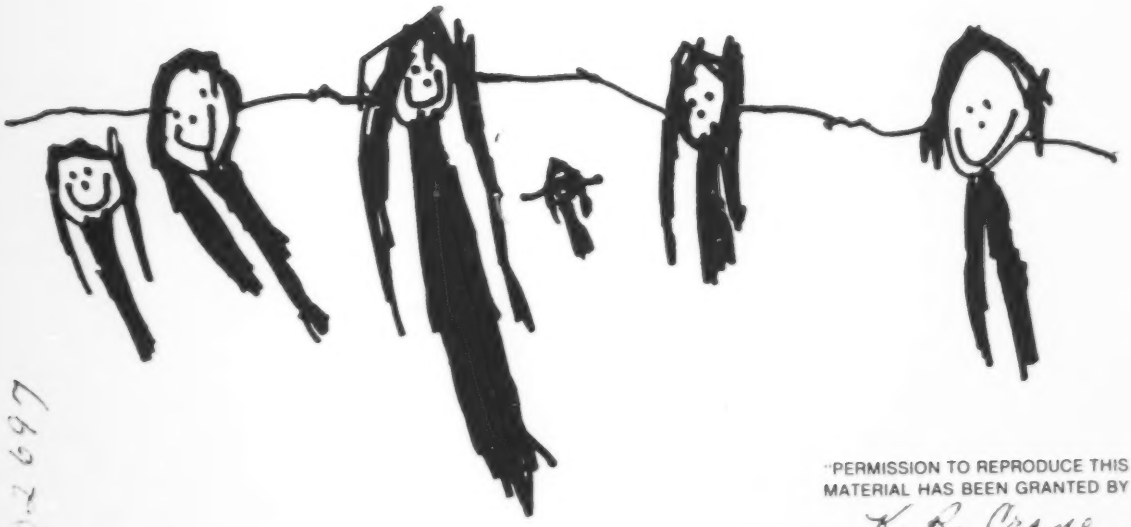
**********
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
**********

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☐ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

ED 365 072

# SPECIAL EDUCATION IN ALASKA

## A GUIDE FOR PARENTS



"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
K. R. Crane
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

EC 302697



BEST COPY AVAILABLE

# SPECIAL EDUCATION IN ALASKA

## A GUIDE FOR PARENTS

Alaska Department of Education
EPS/Special Education Programs
801 West 10th Street, Suite 200
Juneau, AK 99801-1894
(907) 465-2970

## ACKNOWLEDGMENTS

The State of Alaska Department of Education gratefully acknowledges the Education Law Center of Pennsylvania for allowing use of The Right to Special Education in Pennsylvania – A Guide for Parents, copyright 1991, as a basis for the structure and information in this Handbook.

In addition, the Department extends thanks to the *Governor's Council on Disabilities and Special Education* for reviewing and contributing to the development of this document.

A special thanks goes to Emily Merli, age 5, who provided the artwork for this publication. Emily's drawing, *"Everybody Holding Hands"* is a suitable representation of the cooperative role to be played by school personnel and parents in the development and implementation of appropriate educational programs.

## TABLE OF CONTENTS


✧ **ACKNOWLEDGMENTS** ..... i

✧ **INTRODUCTION** ..... iv

**1: THE RIGHT TO A FREE APPROPRIATE PUBLIC EDUCATION** ..... 1

Children Covered by the Law * The Special Services the Law Provides * A Free Appropriate Public Education

**2: THE RIGHT TO EVALUATIONS AND RE-EVALUATIONS** ..... 4

The Purpose of Evaluations and Re-evaluations * The Initial Evaluation * How to Request an Evaluation * Re-evaluations * How to Request a Re-evaluation * Independent Evaluations * How to Request an Independent Evaluation of Your Child * The Team Approach * The MDT Report * Evaluation and Re-evaluation Timelines

**3: THE RIGHT TO AN INDIVIDUALIZED EDUCATION PROGRAM** ..... 10

The IEP Conference * The IEP Team * The Contents of an IEP * Extended School Year (ESY) Programs * Related Services * Tips on Developing IEPs * How to Handle Disagreements at the IEP Conference * IEP Timelines

**4: THE RIGHT TO AN APPROPRIATE SCHOOL PLACEMENT** ..... 17

The Appropriate Classroom * The Appropriate School * Children Placed by their Parents in Private Schools

**5: THE RIGHT TO DISAGREE WITH SCHOOL OFFICIALS** ..... 20

The Right to Notice * Actions Requiring Notice * Revoking Consent * Mediation * How to Request Mediation * The Special Education Hearing * When a Due Process Hearing Is Available * How to Request a Special Education Hearing * Appeals from Hearing Officers' Decisions * Taking Your Case to Court * Hiring an Attorney for Your Hearing or Court Case * The Placement of the Child while the Hearing Process is Taking Place * How the "Stay Put" Rule Works * Filing a Complaint with the State or Federal Department of Education * How to File a Complaint with the State * How to File a Complaint with the Federal Government

**6: THE RIGHT TO SPECIAL PROTECTIONS IN DISCIPLINE AND IN BEHAVIOR PROGRAMS** ..... 27

**7: THE RIGHT TO A HIGH SCHOOL DIPLOMA** ..... 29

**8: THE RIGHT TO PRE-SCHOOL SERVICES** ..... 30

Children Ages 3 to 5 * Children from Birth to 3 Years Old

**9: OTHER IMPORTANT SPECIAL EDUCATION RIGHTS** ..... 31

Your Right to See and Get Copies of Your Child's School Records * How to Request Copies of Your Child's Records * The Right to Proper Materials Classrooms and Schools * Special Rights of Children Whose Parents Are Not Available

**10: CONCLUSION** ..... 33

**APPENDIX A:** Definitions of Exceptionalities ..... 37

**APPENDIX B:** Sample Letter Requesting an Evaluation ..... 42

**APPENDIX C:** Sample Letter Requesting a Re-evaluation ..... 43

**APPENDIX D:** Sample Letter Requesting an Independent Evaluation ..... 44

**APPENDIX E:** Sample Letter Requesting a Due Process Hearing ..... 45

**APPENDIX F:** Parent Advocacy and Support Groups ..... 46

**APPENDIX G:** Glossary of Special Education Terms ..... 55

**APPENDIX H:** Legal Bibliography ..... 58

**APPENDIX I:** List of Frequently Used Acronyms ..... 60

## INTRODUCTION

This handbook is prepared for you as parents of children with disabilities ages 3 through 21. It is intended to be a resource as you participate in your child's education program. As a parent of a child with a suspected or identified disability, it is important that you are active in helping shape decisions regarding your child's educational program. In doing this, it is helpful to know about the steps that must be followed in order for your child to receive special education programs and related services. These steps are established in law and regulation at both the state and federal level and provide you and your child with certain guarantees. This handbook is intended to help you understand these laws and regulations as they apply to each step in the special education process. With this knowledge, you will be prepared to assume an active role in your child's education, one that requires cooperation between parents and school district personnel in the development of an appropriate educational program.

Making this handbook available to parents in one way of demonstrating the Alaska Department of Education's commitment to provide parents with the information and assistance needed to understand your child's rights and enable you to become a successful partner in your child's education. The Department hopes that the handbook will help your child benefit from a cooperative support system between home and school.

## 1: THE RIGHT TO A FREE APPROPRIATE PUBLIC EDUCATION

This handbook is designed to help you – the parent – learn how the special education system works in Alaska and how you can make it work for your child. Keep in mind that no one knows your child as well as you do. The law makes clear that your knowledge of your child and your opinions on the types of services needed are important to making the system work the way it was designed to work – for the benefit of children.

**REMEMBER:**

- Always keep copies of any letters, reports or other material you give to school officials.
- Make notes of any conversations you have with school officials, including the date the conversation took place and the person's name and position.
- If a school official promises to do something for you or your child, make a note of the person's name, the date, what is to be done and the date by which it's supposed to be done.
- Consider taking a friend, neighbor or advocate with you to meetings at your child's school.
- When you attend school meetings, ask each person at the meeting to tell you their name and position – and keep a record of the information.
- If you ask for something and are told "we don't do that" or "we can't do that," ask the school officials for a copy of the written policy, law or regulation on which they're relying.

### ❒ CHILDREN COVERED BY THE LAW

In Alaska, all "exceptional" children have the right to a "free appropriate public education." The term "exceptional" includes children with physical, emotional or mental disabilities and children who are gifted.

Definitions of the various disabilities recognized by state law and of the term "gifted" are included in this handbook at page 37.

Exceptional children are entitled to receive a free appropriate education at age three and can continue to receive their special education programs and services through the school year in which they turn 21 or until graduation from high school, whichever comes first.

Young children with disabilities or developmental delays also may be entitled to services beginning soon after birth. The right to early intervention and pre-school services are discussed in Chapter 8, beginning at page 30.

Some children with chronic health problems, such as asthma or diabetes, and some children with physical disabilities, do not need special education. These children may be considered "handicapped" under Section 504 of the Rehabilitation Act of 1973. They may be entitled to the service, accommodations and modifications they need to participate fully in their regular education programs. For more information concerning the rights of these children contact your school principal or your district Section 504 Officer.

## ❒ SPECIAL SERVICES THE LAW PROVIDES

Under federal and state law, each exceptional child has the right to a free education designed to meet the child's unique learning needs. This includes "specially designed" classroom instruction and the "related services" needed by the child to benefit from the classroom program. Exceptional children and their parents are also entitled to special protections – often called "due process procedures" – to assure that their opinions are considered by school officials.

The term "specially designed instruction" can include instruction in the same subjects provided to regular education students, with the teaching methods modified to take account of the child's needs. "Specially designed instruction" can also include teaching a child self-help skills, such as dressing skills or the skills needed to live in the community. For a child who is gifted, "specially designed instruction" may include more advanced coursework than that provided to regular education students. ***IN ANY CASE, THE LAW REQUIRES THAT THE CHOICE OF WHAT TO TEACH EACH CHILD AND HOW TO TEACH IT DEPENDS ON THE CHILD'S INDIVIDUAL NEEDS.***

"Related services" are services needed to help the student benefit from the education program. These can include transportation to and from school, or around the school building; physical, occupational, or speech therapy; counseling or psychological services; school health services; social work services; assistive technology devices and services; transition services; rehabilitation services; and other services the child may need to benefit from or have access to the school program. The services of a medical doctor are not usually included, except when necessary to determine the type of special education and related services the child needs. Families may not be charged for related services, whether the school district provides them directly or through a private source.

The school district where the parents live is responsible for making sure that each student receives a free appropriate public education. Alaskan children who live away from "home" in residential settings other than private schools, such as in group homes or in foster care, are entitled to receive their education from the school district in which they live.

Special education programs and services can be provided in a regular classroom, a special classroom or in a special school, depending on the needs of the child. If a student with disabilities has needs that are so complex the child's home district cannot develop a program to meet them, the district must assign the child to a program out of the district. A program called the Alaska Youth Initiative (AYI) is available to school districts to assist the them in providing services for some of these difficult to serve children . Ask your school principal about the AYI before you agree to an out of district placement for you child.

**"A FREE APPROPRIATE PUBLIC EDUCATION:"**

A free appropriate public education is a planned program of education and special services that takes account of the child's individual needs and that allows the child to make *meaningful* progress. Each child's program must be provided without cost to the family and must be designed to enable the student to be an independent adult and to participate fully in the community.

## 2: THE RIGHT TO EVALUATIONS AND RE-EVALUATIONS

### ❒ THE PURPOSE OF EVALUATIONS AND RE-EVALUATIONS

In order to know what type of special help a child needs, it is important to understand the child's learning strengths and weaknesses. Therefore, an in-depth evaluation must be done before a child can be recommended for special education. The evaluation should determine whether the child is exceptional and, if so, the type of disability the child has or whether the child is gifted. An evaluation or re-evaluation should also determine the child's learning style, the types of instruction that would be successful with the child and the types that have been tried and have not worked.

Usually, the child must be evaluated by a certified school psychologist. Other evaluations may also be needed. For example, a child with a hearing impairment will need an evaluation from an audiologist or otologist; a child with a health impairment will need an evaluation from a physician. The evaluation process may also include an evaluation by a physician or therapist if certain related services – such as physical or occupational therapy – may be needed by the child. ***ALL EVALUATIONS AND RE-EVALUATIONS NEEDED TO DETERMINE THE CHILD'S EXCEPTIONALITY AND THE TYPE OF SPECIAL PROGRAM AND RELATED SERVICES THE CHILD NEEDS MUST BE PROVIDED FREE OF CHARGE.***

Evaluations and re-evaluations must take account of the child's English language skills and ethnic background so that the testing and evaluation will not be racially or culturally biased. For example, a child who does not speak English must be evaluated by someone who speaks the child's language. Testing must also take account of a child's disability to assure that the test is fair. For example, a child who has a severe visual problem should not be given a written intelligence test.

### ❒ THE INITIAL EVALUATION

If school officials want to evaluate your child for the first time, they must send you a written notice telling you the types of evaluations that are being recommended and your right to give or refuse consent to the proposed evaluation. Only a parent, a guardian, a person acting as a parent, or a surrogate parent can provide consent for the special education evaluation. ***IF YOU REFUSE TO CONSENT IN WRITING TO YOUR CHILD'S FIRST EVALUATION, THE EVALUATION CANNOT BE DONE UNLESS SCHOOL OFFICIALS REQUEST A HEARING AND OBTAIN AN ORDER FROM A SPECIAL EDUCATION HEARING OFFICE.***

You may also begin the evaluation process yourself if you believe your child needs special education services. To do so, you may make either an oral or a written request.

**HOW TO REQUEST**
**A SPECIAL EDUCATION EVALUATION:**

If you want your child evaluated for special education, send a written request to the principal of the child's school. You can use the sample letter found at page 42 of this handbook or you can write your own letter. Include your child's name; date of birth; and why you think an evaluation is needed; and that you give consent for the evaluation to take place. If you have already received evaluations indicating your child's need for special education from doctors or others outside the school system, you may send copies of those reports to your child's school. *Be sure to keep a copy of your evaluation request for your records!*

If you do not hear from school officials within a few weeks, call the school principal and ask when the evaluation will take place. If you do not get a satisfactory answer – or if you get no answer at all – you may file a complaint with the State or ask for a special education hearing. (See Chapter 5)

## ❒ RE-EVALUATIONS

Every student receiving special education services must be re-evaluated at least once every three years and before any significant change is made in a student's program or placement. The school district must give you written notice before re-evaluating your child. ***AS WILL BE DISCUSSED LATER IN THIS HANDBOOK, A RE-EVALUATION MUST ALSO BE DONE BEFORE CERTAIN DISCIPLINARY ACTIONS CAN BE TAKEN AGAINST A STUDENT RECEIVING SPECIAL EDUCATION SERVICES.*** (See Chapter 6, beginning at page 27.)

Like the first evaluation, a re-evaluation must be thorough enough to determine if the child should continue in special education and what changes, if any, should be made to the child's program or related services.

If your child has been receiving special education services, but you don't believe the program has been working, it is sometimes useful to obtain a re-evaluation before the three years has elapsed to help find out what program changes should be made.

**HOW TO REQUEST**
**A SPECIAL EDUCATION RE-EVALUATION:**

If you want a re-evaluation of your child, you should write to your child's principal. You can use the sample letter found on page 43 of this handbook or you can write your own letter. Include your child's name; date of birth; and why you believe a re-evaluation is necessary. *Be sure to keep a copy of your re-evaluation request for your records!*

If you request a re-evaluation of your child and the school district refuses to do one in a reasonable time, you have the right to request a special education hearing and ask the hearing officer to order the district to re-evaluate your child. (See Chapter 5)

## ❒ INDEPENDENT EVALUATIONS

You have the right to get evaluation reports from professionals outside the school system and submit them to school officials. These reports are often called an "independent education evaluation (IEE)." The school must inform you, upon request, where independent evaluations are available. The independent evaluation may be obtained by choosing a person from the list provided by the district, or by a person chosen by mutual agreement between you and the school district. The results of any independent evaluations you submit must be considered by school officials in any decision regarding your child's education.

You have the right to request that the school system pay for an independent evaluation of your child if you believe the school's evaluation was not appropriate. However, school officials may deny your request. If they do, a special education hearing must be set up so that an impartial hearing officer can decide whether the district should pay for the independent evaluation.

**HOW TO REQUEST THAT THE SCHOOL DISTRICT PAY FOR AN INDEPENDENT EVALUATION OF YOUR CHILD:**

If you want to ask the school district to pay for an independent evaluation of your child, you should make a request in writing to the principal of your child's school. You can use the sample letter found on page 44 of this handbook or you can write your own letter. Include your child's name, date of birth and current program. Explain why you believe the school district evaluation is not appropriate. *Be sure to keep a copy of your request for you records!*

If you do not hear from school officials within 2 or 3 weeks, call the principal and ask for a response to your request. If you cannot get an answer, you can file a complaint with the State Department of Education or you can request a special education hearing. (See Chapter 5)

Of course, you are free to obtain an independent evaluation of your child at your own expense without asking the school district. If you are thinking of requesting a hearing because you are not satisfied with your child's program and haven't been able to resolve your concerns with school officials, an independent evaluation is usually needed to help prove your case. If you go to a hearing, you can ask the hearing officer to order the school district to reimburse you for the cost of the independent evaluation. Reimbursement may be given if the hearing officer decides that the district's evaluations of your child were inadequate.

Be sure that any specialist who does an independent evaluation has the right qualifications. For example, an independent psychological evaluation should be done by a "certified school psychologist," which is the type of psychologist school officials must also use. Make sure you give the independent evaluator copies of your child's current Individualized Education Program (IEP), the one being proposed by school officials and other school records on your child. You should also ask the independent evaluator if he or she will testify for your child at a hearing.

It is important that independent evaluators understand the eligibility rules for special education and related services and that their reports discuss why the child is exceptional and the types of services needed. If at all possible, the independent evaluator should visit your child's present classroom and also observe any program that is being recommended by the school district.

## ❒ THE TEAM APPROACH

The law requires that the results of all testing, including any independent evaluations and other data on the child be reviewed by a team of specialists, called a Multi-Disciplinary Team (MDT). The MDT must include at least a teacher or other specialist who is knowledgeable in the area of disability, persons who are appropriately certified or licensed and specifically trained in the use and administration of any evaluation materials and procedures, and the child's teacher. Others who know the child or the child's current program can also be included. If you or the school district thinks that the student's cultural background may affect the evaluation process, a person familiar with the child's culture should also be on the team, if possible. The MDT is headed by the school principal or a representative of the principal.

The purpose of this "team" approach is to make sure that the student is given a full and complete evaluation and that decisions are not made on the basis of any one test, such as an IQ test. ***THE LAW MANDATES THAT NO ONE TEST OR TYPE OF TEST CAN BE USED AS THE BASIS FOR DETERMINING WHETHER A CHILD NEEDS SPECIAL EDUCATION OR THE TYPE OF SERVICES NEEDED.***

An evaluation or re-evaluation must look at more than just the child's academic levels. It must also look at the child's skills, social behavior, learning problems, learning strengths and educational needs. Your child's school records must be reviewed and considered and, if your child is suspected of having a learning disability, a member of the MDT, in addition to the teacher, must observe your child in the classroom. Since your own knowledge of your child's strengths and learning difficulties is extremely important, your input must be requested and considered by school officials.

## ❒ THE MDT REPORT

After its review of all material, the MDT must issue a written Report. That Report brings together the information and findings from the evaluation or re-evaluation. The MDT must recommend whether the child has one or more exceptionalities (see page 37 for listing of definitions). Like other special education decisions, this decision must be based on the profile of the individual student. For example, whether a child has the "significant discrepancy" between ability and achievement needed to meet the definition of "learning disability" depends, among other things, on the *child's* potential and achievement level, not on a fixed ratio or percentile score set by school officials.

If the MDT recommends that the child receive special education, an IEP team must be convened, which includes the parents, to recommend the type of special education program and services the child needs. If the team decides that your child is not eligible for special education, it must give or send you a written notice of the decision which explains your right to disagree and request a special education hearing.

NOTE: Not all children with a disability or exceptionality require special education services. However, even if the MDT recommends that the child does not meet the eligibility criteria and is found to be "non-exceptional" (and therefore not entitled to special education services), it must still recommend any needed changes in the student's educational program.

All members of the MDT are entitled to see a draft of the MDT Report. If they agree with the Report, they can sign it indicating agreement. If they do not agree with it, they may write a "dissenting opinion" stating their reasons for not agreeing. All dissenting opinions, if any, must be included as part of the final Report.

### ❒ EVALUATION AND RE-EVALUATION TIMELINES

The MDT process must be completed and an IEP developed and implemented within 45 school days after you consent to an initial evaluation. The district must conduct an individual evaluation of each child with a disability every three years or more frequently if conditions warrant or if you or the teacher requests.

## 3: THE RIGHT TO AN INDIVIDUALIZED EDUCATION PROGRAM

Every exceptional student is entitled to an Individualized Education Program (IEP). The IEP is a written plan that tells what special education programs and services the child will receive. The IEP is written at a conference by a team which includes the child's parents as equal participants. An IEP must be reviewed each year and, when needed, revised by the IEP team. ***AN IEP MUST INCLUDE ALL THE PROGRAMS AND SERVICES NECESSARY TO MEET A CHILD'S INDIVIDUAL NEEDS AS IDENTIFIED DURING THE EVALUATION OR RE-EVALUATION PROCESS.***

Once the IEP is developed, school officials must make sure that the child receives all the programs and services listed in the IEP. When a child moves from one Alaskan school district to another, the IEP "moves" with the child and generally must be followed by the new school district, unless the parent and district agree to a change or a change is ordered by a hearing officer.

Prior to changing school districts, you should inform school officials in the current district that you are moving and request that your child's complete special education file be forwarded to the receiving school district. In order to avoid any disruption of services, you may want to provide the new school district with a copy of the IEP you maintain in your personal files.

### ❒ THE IEP CONFERENCE

The law requires that the IEP be developed at a conference with the child's parents and prohibits school officials from deciding what the IEP will say before then. Parents must be invited to attend even if their child lives away from home in a residential setting. The conference must be scheduled at a time and place convenient for you and school officials. If a parent has need of an interpreter in order to participate in the IEP meeting, the district must provide one.

The law also requires school officials to make every effort to ensure that parents attend IEP conferences. You must be notified in writing of the purpose, time and location of the conference, that you may invite others to participate in the conference, and of the other people who are invited to attend. If secondary transition services are to be discussed, the written notice must state that one of the purposes of the IEP meeting will be the discussion of transition services, that the student will be invited to attend and list any other agency representatives invited to attend. You must also be notified of all your rights. The notice must be in the language you use and must be sent to you early enough so that you have an opportunity to make arrangements to attend the conference.

At the end of IEP conference, you will either be given or mailed a copy of the IEP. You also should get a written notice of the proposed placement for your child and of your rights. If

you attended the IEP meeting, the completed copy of the IEP will be your written notice of the proposed placement. If the IEP is the first one for your child, you must approve the IEP – *in writing* – before it can be put in effect. You will be asked to sign a Parent Permission for Initial Placement Form. For later IEPs, if you disagree with the IEP you must do so in writing. ***IF YOU DO NOTHING WITH A LATER IEP, IT WILL BE ASSUMED THAT YOU HAVE APPROVED IT AND THE DISTRICT WILL BE ALLOWED TO IMPLEMENT IT.***

### ❒ THE IEP TEAM

At the IEP conference, the IEP team is responsible for reviewing the MDT Report and deciding what special education and related services are needed.
Each IEP team must include:

- The child's parent(s)
- One or more of the child's current teachers; or, if the student is just entering school, a regular education teacher who teaches students of the same age
- One or more members of the MDT which completed the most recent evaluation or re-evaluation of the student or someone knowledgeable about the evaluation procedures used with the child and familiar with the results of the evaluation
- A representative of the district who has the authority to commit district resources and to ensure that whatever services set out in the IEP are implemented
- A representative of a private school, when appropriate
- The student, aged 16 years and older and students below age 16 when the need for secondary transition services is being considered, or whenever you want the student to attend
- Transition service providers, when appropriate
- Any other people that either you or school officials want to attend the conference.

| **REMEMBER:** |
| --- |
| You may invite others to participate and/or offer support in the IEP conference, such as a friend, relative or advocate. |

## ❒ THE CONTENTS OF AN IEP

Each IEP must contain information in the following areas:

- A statement of the child's current educational levels (present level of educational performance – PLEP)
- Annual goals and short-term objectives that respond to the individual needs of the student
- What tests or other procedures will be used to tell if the student is achieving the goals and objectives
- Schedules to determine how often the objectives will be measured
- The specific special education services and programs to be provided to the student
- The type, amount and frequency of the related services needed by the student
- The frequency of on-site program review by each itinerant service provider
- The date services and programs will begin and how long they will continue
- The amount of time the child will spend in programs and activities with regular education students
- If the student will be in a regular education class for part of the day, what modifications, if any, are needed for the child to succeed in that class. This could include, for example, giving the child untimed tests or having another student help the child take class notes.
- A statement that justifies the need for special education services which are more restrictive than full-time services within the regular classroom. This statement should document consideration of other placement options and reasons for rejecting these options.

In addition, information in the following areas must be included in the IEP where appropriate for the child:

- *Assistive Technology* – for students who have physical impairments or other disabilities and require special equipment in order to access and benefit from the educational program.
- *Vocational Education* – for students for whom vocational training is appropriate. As with other services, the need for vocational education

depends on the *individual child's needs* and not on an arbitrary age requirement, achievement level or other rule set by the school district.

- *Extended School Year (ESY) Programs* – for students who are eligible, the type and length of the ESY program must appear on the IEP (see below).
- *Statewide Acnievement Testing* – for children who cannot participate in the statewide achievement tests
- *Adaptive Physical Education* – for children who cannot participate in a regular physical education program because of their disabilities.
- *Behavior Programs* – for students classified as "seriously emotionally disturbed" (SED) and for students with other disabilities who have behavior problems that interfere with their learning. The IEP must contain a program designed to teach the student appropriate behavior and social skills. All behavior programs should use positive – not negative – approaches.
- *Transition Services* – for all students with disabilities, beginning no later than age 16 and annually thereafter (and when deemed appropriate for the individual, beginning at age 14 or younger). Transition services are activities designed to provide the student with the skills needed for post-school life and are based on the individual student's needs, taking into account the student's preferences and interests. Transition services include instruction, community experiences, the development of employment and other post-school adult living objectives and the acquisition of daily living skills and functional vocational evaluation, if appropriate.

### ❒ EXTENDED SCHOOL YEAR (ESY) PROGRAMS

Extended School Year (ESY) Programs are special education programs for children with disabilities who regress in basic skills during breaks in the school year and then take a long time to regain those skills once the program begins again.

The need for ESY programs must be determined annually and on an individual basis by the IEP team. If you believe your child qualifies, you can request that your child be considered. For children found eligible, the type and length of the ESY program must appear on the IEP.

### ❒ RELATED SERVICES

The IEP must also contain the "related services" needed to help your child benefit from or gain access to the education program, such as transportation, physical or speech therapy. ***IT IS IMPORTANT THAT THE IEP STATE THE TYPE, AMOUNT AND FREQUENCY OF THE RELATED SERVICES TO BE PROVIDED.*** For example, instead of just stating "speech therapy", the IEP should state "individual speech therapy, 30-minute periods, three

times per week." In this way, you will know exactly what your child should receive. If the service is not provided as stated, you can file a complaint with the State to enforce the IEP (see page 25).

It is important to remember that a student is entitled only to the type, frequency and amount of related services needed to assist the child to benefit from or gain access to the program. Be sure any independent evaluator you use answers the following questions in his or her evaluation report:

- What type(s) of related service(s) does the student need?
- How often should the child receive the service(s)?
- For how long should the child receive the service each time it's provided?
- Why is this service necessary in order to help the child benefit from the program as set out in the IEP?

Transportation to and from school is probably the most frequently needed related service. Transportation must be appropriate for your child. For example, if your child uses a wheelchair, transportation should be provided with a lift bus or other vehicle able to handle the wheelchair in a safe manner. ***LIKE ALL OTHER RELATED SERVICES, TRANSPORTATION MUST BE PROVIDED FOR YOUR CHILD WITHOUT COST TO YOU.***

The length of the transportation provided must also be appropriate in view of your child's age and special needs. In Alaska, the time in transit for any one child may not exceed a total of 120 minutes per day unless you grant permission to so do. However, for young children or children with severe disabilities, one hour – or even one-half hour – may be too long a ride and therefore not appropriate.

**REMEMBER, THE IEP MUST ADDRESS *YOUR* CHILD'S NEEDS:**

Don't accept an IEP that isn't based on your child's special learning needs. For example, if your child has trouble reading, the IEP should include a reading program based on how your child learns. Sometimes, districts try to give parents an IEP that is just a form checklist or one that includes only a "watered-down" version of regular education goals and does not focus on the student's particular learning difficulties. You should insist that the IEP contain all programs and services necessary to meet your child's own needs. If it doesn't, you should disapprove the IEP – *in writing*. You have the right to ask for another meeting, for mediation, or for a special education hearing to try to resolve your concerns. (See Chapter 5)

## ❒ TIPS ON DEVELOPING IEPs

Review your child's records before you go to the IEP conference. Make a note of any problem areas you have seen in your child.

***THINK ABOUT WHAT YOU WANT YOUR CHILD TO LEARN***. It might be helpful to try to answer such questions as:

- In what subjects and skills does your child need special help? Are some of these especially "high priorities" in your mind?

- What kind of help does your child need in these areas? For example, what teaching methods work best with your child and what types have been tried and have not worked? Does your child learn best by repetition? Does your child need to have material presented visually as well as orally? What needs to be **special** about the way your child is taught?

- What activities especially interest or motivate your child? Are enough of these included in your child's school day? Is there a need to give your child more opportunities for success in school?

- Are there parts of the school day that your child is finding particularly frustrating? How can they be improved? Are there areas that shouldn't be included in your child's program at all?

- Should your child be spending more (or less) of the day in regular education classes? Which ones? Should your child be spending more time with non-exceptional students in activities such as gym, music, art and lunch?

***MAKE A LIST*** of some specific ideas of what you'd like to see included in the IEP. Take the list with you to the IEP conference. Remember, you are free to bring up for discussion *anything* you think is needed as part of your child's school program. School officials may or may not agree with you (see following box), but they have to discuss your ideas with you.

***QUESTION*** the school staff concerning what teaching methods work best with your child. If you're not sure why your child isn't doing well in school or what goals would be appropriate for your child, ask the teacher and evaluator for their opinions. You may also want to request some additional evaluations of your child.

***SPEAK YOUR MIND!*** Make sure that the completed IEP contains as much of your input as possible and includes all of the information listed under "THE CONTENTS OF AN IEP," beginning on page 12. *Remember: No one knows your child as well as you do.*

**HOW TO HANDLE**
**DISAGREEMENTS AT THE IEP CONFERENCE:**

You may disagree with the programs and services that school officials propose for your child – or you may want the IEP to contain programs or services that school officials will not agree to give your child. While at the conference, you should explain what you want or what you don't want to appear on the IEP and the reasons why. Take each issue one at a time. If you can't get school officials to agree with you, move on to the next issue. You should try to get the IEP as close as possible to what you want during the IEP conference.

If the final IEP worked out at that time is not exactly how you want it, you have the right to disapprove the IEP and use the mediation or hearing process to resolve your concerns. Remember, if you do not approve the IEP, your child will remain in the then current program and placement. (See section on the "Stay Put" rule, beginning at page 25.)

## ❒ IEP TIMELINES

The IEP must be completed within 30 calendar days after the MDT Report is issued. If you approve the initial IEP in writing, or approve or do nothing concerning a later IEP, the IEP must be implemented as soon as possible.

The IEP Conference must be held for each exceptional child at least once per year. Additional conferences must be held if a member of the IEP team – *such as the parent* – requests an IEP conference.

## 4: THE RIGHT TO AN APPROPRIATE SCHOOL PLACEMENT

The law requires that an IEP be developed for a child *before* it is decided where the program should be provided. This is because, to be appropriate, the placement must be able to implement the program and services described in the IEP. Unfortunately, school officials often try to decide the child's placement first – based on what is available – and want to discuss program issues later. You should insist on discussing placement issues only after the IEP has been completed. ***THE LAW REQUIRES THAT THE EDUCATION PROGRAM AND PLACEMENT BE FITTED TO THE CHILD, NOT THE CHILD TO A PRE-PACKAGED PROGRAM AND PLACEMENT.***

### ❒ THE APPROPRIATE CLASSROOM

The appropriate class for your child depends on the amount and type of special instruction or related services your child needs. The law mandates that children be provided services in the regular education classroom whenever possible. If your child will receive only some courses in special education, it should be possible for the child to be in a regular education class for most of the day. The child can then either go to a special education "classroom" to receive services, or a special education teacher can provide the services to the child in the regular class.

However, for some children, placement in a special education class for most or all of the day is necessary. Even in those situations, however, the law requires that, if appropriate, the student spend time with regular education students in academic, non-academic or after-school activities. Mixing special education students with regular education students is sometimes called *integration* or *inclusion*.

In general, there are 5 types of classroom possibilities, ranging from nearly all regular education to nearly all special education. School officials must place your child in a class that will provide a meaningful chance to make progress in the areas included in the IEP. Alternative placements must be available to meet the needs of children, including:

- A regular class for the entire school day, with support services provided by a special or regular education teacher within the regular classroom.
- A regular class for most of the school day, with special education programs or services provided for a part of the day. The services can be provided either in or out of the regular class, by an "itinerant" teacher who serves many different students.
- A regular class for most of the school day, with special education or related services provided in a "resource room" for part of the day.

- A special education "part-time" class for most of the school day with some instruction in a regular classroom for part of the day.

- A "full-time" special education class for the entire day, with some opportunities to spend non-academic time with regular education students.

### ❒ THE APPROPRIATE SCHOOL

The law requires that children with disabilities be placed in the school that will provide them the maximum opportunity – appropriate to the child's needs – to be with students who are not disabled. This is sometimes called placing the student in the "least restrictive environment." ***LIKE ALL OTHER DECISIONS, WHAT IS THE "LEAST RESTRICTIVE ENVIRONMENT" FOR YOUR CHILD WILL DEPEND ON YOUR CHILD'S INDIVIDUAL NEEDS, NOT THE CONVENIENCE OF SCHOOL OFFICIALS.***

If your child will spend all or almost all of the school day in a regular classroom, the placement must be in the local school your child would normally attend. If your child will need a resource room or part-time class, the local school is still the preferred placement under the law. However, if this is not possible, the child must be placed in another regular education building within your school district that is as close to your home as possible.

If your child requires a full-time special education program, school officials must still try to place the child in a regular public school, unless the child's needs are so complex that this would not be appropriate. In cases where the IEP cannot be implemented in a regular public school, the child must be placed in either a public or private special education school.

There are two circumstances when a residential placement can be recommended: when the child will otherwise be unable to make meaningful educational progress or if the only appropriate program is at a school so far away that daily transportation is not practical. However, your child can only be placed in a residential setting if you give your consent. Keep in mind that even if your child is placed in a day or residential school, the program and all necessary related services must still be provided without charge.

The least preferred choice under the law is "homebound" instruction. Under this arrangement, a teacher must see the student for 2 hours each day the child is unable to attend school, usually at the child's home. This type of placement can be offered only to children whose needs cannot be met in any kind of school setting, such as a child with complex medical needs who cannot leave home. Because this is the least preferred option, the placement of a child on homebound instruction should be reviewed regularly.

## ❒ CHILDREN PLACED BY THEIR PARENTS IN PRIVATE SCHOOLS

Children with disabilities who are placed by their parents in private schools (including parochial schools) are still entitled to receive some public special education services. The services are usually provided by the school district in which the private school is located. Special education services to private school students are sometimes called "auxiliary services" and must also be listed on an IEP. These types of services are usually provided at a nearby public school building before or after school hours, or can be provided in other ways, such as through dual enrollment.

In some cases, parents of a child with disabilities may be entitled to reimbursement for the tuition they paid to a private school. If the parents disapprove the program and placement offered by the school district and place the child in a private special education school while going through the hearing process – and they eventually win their case – they may be eligible to receive tuition reimbursement from the school district.

## 5: THE RIGHT TO DISAGREE WITH SCHOOL OFFICIALS

Even when you and school officials try your best to come up with the right program and placement for your child, there may still be disagreements. Disagreements can occur at any stage in the special education process – whether to do an evaluation or re-evaluation or what tests to use; whether the child has a disability and, if so, which disability; whether or not the child is gifted; what program and related services are needed and in what amounts; whether the child's program is or isn't working well; or what class and school are needed to help your child learn. ***UNDER FEDERAL AND STATE LAW, YOU NOT ONLY HAVE THE RIGHT TO DISAGREE WITH SCHOOL OFFICIALS, YOU HAVE THE RIGHT TO DO SOMETHING ABOUT IT.*** These rights are sometimes called "due process" rights.

### ❒ THE RIGHT TO NOTICE

The law requires that you be told about any proposals that school officials are considering for your child so that you can decide whether you agree or disagree with them. School officials must give you *written* notice whenever they want to evaluate or re-evaluate your child or whenever they want to make any significant changes in your child's IEP or placement. School officials must also give you written notice *when they refuse to do something you have asked them to do.*

All notices to you must be written in the language you use or be in the form of communication you use (such as braille). The contents of the notice must be in words that are easily understood and not overly technical. If you have trouble reading, school officials must help you understand the notice.

Each notice must tell you what school officials want to do or what they refuse to do; the reasons why; and any tests, records or evaluations they are using in making their decision. The notice must tell you the timelines used in the special education process. The notice must also tell you all of your rights, including your right to disagree and to use the hearing process to resolve your concerns. The notice must explain your rights.

| ACTIONS REQUIRING NOTICE: |
| --- |
| • Test (evaluate) your child to determine if special education and related services are required, or re-test (reevaluate) the child;<br>• Review the evaluation or most recent reevaluation of your child;<br>• Develop, review, or change the schedule or conditions of services to your child;<br>• Place your child in a particular program or change the child's current placement;<br>• Stop all special education (including graduation);<br>• Determine whether your child's disability was the reason for misbehavior that requires disciplinary action; and<br>• Change or destroy information in the district's files that personally identifies your child. |

### ❒ REVOKING CONSENT

It is possible to revoke consent in a situation where consent is required. (See definition of consent in Appendix G.) If you wish to withdraw your consent, you must do so *prior to completion of the action* for which consent was required. If you disagree with the district after an action involving consent has transpired, you may request a due process hearing. During a due process hearing the child is required to "stay-put" until the hearing is completed.

### ❒ MEDIATION

Alaska has set up a mediation system that can be used by parents and school officials to try to resolve their disputes. Mediation is voluntary on the part of both parents and school officials, so that both sides must agree to use mediation for it to take place. There is no cost to you for using the mediation system and you still have your rights to ask for a hearing if mediation is not successful.

If both you and school officials agree to try mediation, the State Department of Education will arrange for a neutral, specially trained person to be the mediator. The mediator will meet with you and school officials at a "joint session" where both sides get a chance to explain their points of view. The mediator can also meet with each side separately to find out more about that party's position. Neither school officials nor parents may use an attorney at a mediation session; this helps to keep the mediation process informal.

The mediator does not make a decision. Instead, it is the mediator's job to help parents and school officials reach their own agreement. If agreement is reached, it is put in writing and made part of the student's IEP. If no agreement is reached, mediation is called off. All

discussions that take place as part of mediation, whether or not agreement is reached, are confidential.

**HOW TO REQUEST MEDIATION:**

If you and school officials have a disagreement about your child's evaluation, program or placement at any point in the process, you can request mediation. A request for mediation should be made to the Director of Special Education, Department of Education, 801 West 10th Street, Suite 200, Juneau, Alaska 99801-1894. The State Director may be reached by phone at 465-2970. Someone from the Department will then contact your school district to see if school officials are also willing to use mediation. If both sides agree, mediation is usually scheduled within a few weeks.

## ❒ THE SPECIAL EDUCATION HEARING

You have the right to request a special education "due process" hearing at any time concerning your child's evaluation, program or placement. The school district may also request a hearing if you refuse to give your consent to an initial evaluation or initial special education placement of your child. The school district *must* ask for a hearing if it turns down your request for an independent evaluation of your child at school district expense.

**WHEN A DUE PROCESS HEARING IS AVAILABLE:**

- You object to a proposed evaluation of your child;
- You refuse to consent to an initial placement;
- The district refuses to evaluate your child;
- The district fails to consider results of an independent evaluation;
- You disagree with a proposed IEP;
- You object to termination of the special education program;
- You believe the proposed placement will not meet your child's needs as set forth in the evaluation or the IEP;
- You believe a placement is not in the least restrictive environment needed to meet your child's needs;
- You object to a proposed change of placement; or
- You disagree with the district's recommendation that your child should be graduated.

A hearing is held before an impartial hearing officer. The hearing officer cannot work for your school district. Usually, hearing officers work at universities or private or public schools outside your area or are professionals in private practice.

A hearing officer may not be appointed without your written approval. However, parent approval of a hearing officer is not required if you have been offered and have rejected three different hearing officers. After the hearing officer is appointed, Alaska statute requires the officer to conduct an informal prehearing settlement conference in order to attempt to resolve the disagreement.

Although hearings are not as formal as court cases, they are more formal than conferences or meetings with school officials. Each side has a chance to have witnesses – school staff, evaluators or other professionals, neighbors, friends or family members who know the child – and each side may ask questions of the other side's witnesses. If you believe that someone from the school district has information that is important to your case, you can ask the hearing officer before the hearing date to "subpoena" that witness to insure that he or she comes to the hearing. All witnesses give their testimony under oath.

Both sides may give the hearing officer written material, such as reports and evaluations, to consider. <u>However, copies of any documents that are to be used at a hearing must be given to the other side at least 5 days before the hearing date.</u> The hearing is recorded and a transcript is made once the hearing is over. You may request a copy of the transcript. Usually, the school district is represented at the hearing by an attorney. Although parents do not have to have an attorney represent them, they should try to have an attorney or advocate, if at all possible. The district must provide you with a list of free or low cost legal services.

The hearing must be held at a place convenient for the parents. If you wish, the hearing can be "closed" to the public. If you choose to have the hearing "open," other people, in addition to the witnesses can attend. Even if the hearing is open, only the decision can be made available to the public; if the hearing is closed, the decision is part of your child's records and cannot be released without your permission.

The hearing officer listens to both sides and then makes a written decision that is mailed to you and school officials. Unless you have asked for more time, the hearing should be held within 30 calendar days of your request; the decision of the hearing officer must be issued within 45 calendar days of the date you request the hearing.

**HOW TO REQUEST**
**A SPECIAL EDUCATION HEARING:**

To request a special education hearing, you must send a written request to your child's principal. You should send a copy of your request to your district's director of special education and/or district superintendent. You can use the sample letter found on page 45 of the handbook or you can write your own letter. State your child's name, date of birth and whether your child has a disability or is gifted. You should also briefly state the problem that will be the focus of the hearing. *Be sure to keep a copy of your hearing request for your records!*

## ❒ APPEALS FROM HEARING OFFICERS' DECISIONS

A hearing officer's decision is final and binding on the school district and parent. However, if you are not satisfied with all or part of the hearing officer's decision, you have the right to file an appeal to the Department of Education. The appeal hearing request must be in writing and must be received by the Department within 30 days after receipt of the hearing officer's decision. The hearing officer is required to tell you at the hearing – and send you in writing with the decision – the procedures and timeline for filing the appeal.

## ❒ TAKING YOUR CASE TO COURT

If you are unhappy with the decision on your appeal, you have the right to file an appeal with the federal or superior court. You should use the services of an attorney if you are going to court. A parent who appeals to the court and who is determined by the court to be an indigent person may be provided with a court appointed attorney at public expense.

## ❒ HIRING AN ATTORNEY FOR YOUR HEARING OR COURT CASE

Under federal law, if your child has a disability and you use the services of an attorney for a hearing or appeal, you have the right to be reimbursed by the school district for at least some of the attorney's fees and costs if you win all or most of your claim. You can also be reimbursed for the costs of any independent evaluations used and the cost of having an independent evaluator testify at the hearing. Even if you settle your case before going to a hearing, or before the court case if decided, you may still have the right to collect attorney fees and costs.

### ❒ THE PLACEMENT OF THE CHILD WHILE THE HEARING PROCESS IS TAKING PLACE

Once you have started the special education hearing procedures, there can be no change in the classification, evaluation, IEP or placement of your child until all those procedures – from the hearing, administrative appeal to court case – are completed, unless you and the district agree to a change. This is often called the "status quo" or "stay put" rule of the law.

**HOW THE "STAY PUT" RULE WORKS:**

Once you start the "due process" procedures by requesting a hearing, your child's program and placement will stay the same, unless you and school officials agree to a change. Therefore, if you prefer the current situation to the changes school officials recommend, start the due process procedures and your child will "stay put" in the current program during the entire time it takes to finish due process. In these types of situations, the "stay put" rule works in your favor.

If, on the other hand, you do not like the current situation but are not totally satisfied with school official's recommendations either, the stay put rule can work against you. If you disapprove the proposal, your child "stays put" in the class or program you don't like. In those types of cases, you may want to consider approving the recommendation. Your child will then start the new program or placement and – if need be – you can thereafter use the due process procedures to try to improve it.

### ❒ FILING A COMPLAINT WITH THE STATE OR FEDERAL DEPARTMENT OF EDUCATION

The law also provides a way for you to file a complaint when you believe your child's rights are being violated. For example, the complaint process can be used to require school officials to give your child the services listed on the IEP or when school officials do not give you written notice before making significant changes to your child's program or placement.

In Alaska, you can file your written complaint with the Department of Education, Division of Educational Program Support/Special Education Programs. The designated complaint reviewer must investigate the situation and give you an opportunity to submit additional information, either orally or in writing, about the allegations in the complaint. A written decision from the Department will be issued to you and school officials within 60 days of receiving your complaint.

**HOW TO FILE A COMPLAINT WITH THE STATE:**

If you believe your child's rights have been violated by school officials, you should file a written complaint. The complaint can be in the form of a letter. Give your child's name, date of birth, school and school district, and state whether your child has a disability or is gifted. You should then explain the problem you are having. You can send a copy of any papers you think would be helpful, such as your child's IEP. Send your complaint to the State Director of Special Education, Alaska Department of Education, EPS/Special Education Programs, 801 West 10th Street, Suite 200, Juneau, Alaska 99801-1894. *Be sure to keep a copy of your complaint for your records!*

Under a federal law known as Section 504 of the Rehabilitation Act of 1973, school districts and others that receive federal funds may not discriminate against children or adults on the basis of handicap. If your child has a disability and you believe that school officials are violating your child's rights, you can also file a complaint with the US Department of Education.

**HOW TO FILE A COMPLAINT WITH THE FEDERAL GOVERNMENT:**

You should send a letter explaining the details of your complaint along with your child's name, date of birth, school and school district. Explain why you feel the district has violated your child's rights. You should also include copies of any helpful material, such as your child's IEP. The letter should be sent to the Office of Civil Rights, US Department of Education, Region X, Henry M. Jackson Federal Building, Mail Code 10-9010, 915 Second Avenue, Room 3310, Seattle, Washington 98174-1099. *Be sure to keep a copy of your complaint for your records!*

## 6: THE RIGHT TO SPECIAL PROTECTIONS IN DISCIPLINE AND IN BEHAVIOR PROGRAMS

Children in special education programs are entitled to special protections in the areas of discipline and behavior programs. The law recognizes that these children's behavior is sometimes a result of their special needs.

***SCHOOL OFFICIALS CANNOT SUSPEND EXCEPTIONAL CHILDREN FOR MORE THAN 10 SCHOOL DAYS AT ANY ONE TIME OR MORE THAN 20 SCHOOL DAYS IN ANY ONE SCHOOL YEAR.*** If the proposed suspension is for longer than 10 days, or when added to previous suspensions will total more than 20 days in that school year, school officials must set up an MDT evaluation of the child to consider whether the suspension should take place. (See Chapter 2 for discussion of MDT evaluation process.)

If the MDT decides to recommend suspension, school officials must first give the parents written notice and ask them to approve or disapprove the proposed suspension. If the parents disapprove, the suspension cannot take place until the parents have had a chance to use the special education hearing and appeal procedures, unless school officials obtain a court order.

The law also has other special protections for children with disabilities. Court decisions indicate that no student with disabilities can ever be permanently expelled from all educational services for behavior related to the disability if the student is less than 22 years old and hasn't graduated from high school. Corporal punishment can never be used with children who have disabilities.

School officials are required to design behavior programs for children who have behavior problems. The law mandates that these types of programs be based on positive methods and not negative ones. ***CHILDREN MAY NOT BE PUNISHED FOR BEHAVIOR THAT RESULTS FROM THEIR DISABILITIES.***

Mechanical restraints, such as handcuffs or belts and physical restraints, such as holding a child down on the floor, cannot be used except in emergency situations where there is clear and immediate danger that the student will be harmed or will harm someone else. Certain mechanical restraints, such as seat belts, can be used to help students who cannot control their physical movements if parents agree and the use of these restraints is included in the IEP.

In addition, school officials may not use any of the following methods with children who have disabilities:

- using noxious substances or electric shock to discourage certain behavior
- depriving the student of food, water, fresh air or other basic human needs
- treating the student in a demeaning way

School employees who help implement the student's behavior program must be trained in the behavior methods being used.

## 7: THE RIGHT TO A HIGH SCHOOL DIPLOMA

All exceptional students in Alaska have the right to earn a regular High School Diploma or a Certificate of Attendance or Completion. Children who have disabilities can earn a diploma by completing the same kind of courses and earning the same number of credits as regular education students. Or, a certificate will be awarded to a student with disabilities who completes the special education program developed by the IEP team.

Children with disabilities have the right to stay in school through the school year in which they turn 21 years old or until they graduate. If the child accepts a high school diploma prior to age 21, the student cannot continue to receive free special education services. If a student is 18 or older and school officials believe the child has completed the programs in the IEP and is eligible to graduate, they must give parents written notice. If parents do not agree with this decision, they may begin the due process procedures and the child must be allowed to continue to attend school until the procedures are completed or the child is beyond school age.

## 8: THE RIGHT TO PRE-SCHOOL SERVICES

### ❒ CHILDREN AGES 3 TO 5

Federal and state law require that free and appropriate pre-school programs be provided to all children with disabilities or developmental delays ages 3 to 5 years old.

Because not all young children are ready to attend a "school" program for a full day, it is sometimes appropriate to provide special services to the family and child in the home. If a child is enrolled in a public or private pre-school program, support to the regular teacher may be all that is needed. Students can also receive programs that combine in-home and in-school programs. Finally, pre-schoolers can attend special classroom-based programs. The law requires that pre-schoolers receive their programs together with children without disabilities, to the maximum extent appropriate to the needs of the child. ***THE TYPE, AMOUNT AND LOCATION OF SPECIAL SERVICES PROVIDED MUST BE BASED ON THE CHILD'S NEEDS.***

### ❒ CHILDREN FROM BIRTH TO 3 YEARS OLD

Children below age 3 are eligible for early intervention services if they have a developmental delay or have a physical or mental disability (such as Down's Syndrome) that is likely to result in a developmental delay. The term "developmental delay" includes delays in physical development, language and speech, cognitive, emotional or social development or in self help skills. Services to these children are provided through the Division of Public Health in the Department of Health and Social Services, rather than through the school system.

"Early Intervention" services are services necessary to meet the child's developmental needs. These can include – but are not limited to – occupational, physical and speech and language therapies, psychological services and specialized learning instruction. Services can be provided in the child's home, at the child's day care center or in a separate, specialized facility, depending on the child's needs and family's input. Early Intervention services also include family training and counseling and other services needed by the family to support the child's development.

If you think your child is eligible for services, you should contact your local Infant Learning Program (ILP); each region has one or more. (See Appendix F.) ILP is the contact for all children needing Early Intervention services, including children who do not have mental health problems or mental retardation.

Infants from birth to 3 may be eligible for multi-disciplinary evaluations and individualized programs and services. For more information about the Early Intervention system and your rights, you may contact ILP or a local parent support group listed in Appendix F.

## 9: OTHER IMPORTANT SPECIAL EDUCATION RIGHTS

### ❒ YOUR RIGHT TO SEE AND GET COPIES OF YOUR CHILD'S SCHOOL RECORDS

Federal and state law give all parents the right to see and get copies of their child's public school records. If your child now receives – or has ever received – special education services, you have the right to see and get copies of the records within 10 days of your request.

If your child is going to be evaluated by the school district, or if an IEP conference or hearing has been scheduled, you have the right to see and get copies of your child's records before the evaluation, conference or hearing, even if that is less than 10 days. If you cannot go to the school to see or copy the records, you can send someone in your place.

**HOW TO REQUEST COPIES OF YOUR CHILD'S RECORDS:**

If you want to see or get copies of your child's school records, you should write to your child's principal. If you will be unable to go to the school yourself, tell the principal in your letter the name of the person who will be going for you. If your child is over 18 years old, he or she must also sign the letter. *Be sure to keep a copy of your request for your own records!* If you do not hear from school officials soon, call the principal for an explanation. If you are not given a chance to see and copy the records within the timelines, you can file a complaint with the state. (See Chapter 5, page 25.)

You may not be charged for the cost of seeing the records. You can, however, be charged the actual cost of copying them, so long as the charge is not so high that you would be unable to pay it. The law also gives you the right to ask for and receive from school officials an explanation of any information contained in the records.

Your child's "records" include all the information kept or used by the school officials that relate directly to your child. This includes evaluation and test results and any other material used in deciding if your child has a disability or is gifted, or the appropriate program and placement for your child. You do not have the right, however, to see the private notes of school officials, therapists or teachers that are *not* shared with anyone else and are not kept in your child's file.

The law also mandates that your child's school records be kept confidential by school officials. Records generally cannot be released to anyone outside the school system without your consent or the consent of your child if over 18 years old. Your school district must have a procedure you can use to have the records corrected if, after seeing them, you feel that they are inaccurate or misleading.

### ❒ THE RIGHT TO PROPER MATERIALS, CLASSROOMS AND SCHOOL BUILDINGS

Children in special education programs have the right to receive the same quality materials (such as books), classrooms, furniture and school buildings as are provided to children in regular education. School officials must not assign exceptional students to isolated areas of a school or to rooms or areas that are not designed for instructional purposes or that are not easily accessible. Classrooms and furniture must be appropriate for the students in the room. For example, if there are children in the room who use wheelchairs, the room must be big enough so that the students can move around without difficulty.

In addition, school officials must not move special education classes – or transfer special education students – unless there is valid reason for doing so.

### ❒ SPECIAL RIGHTS OF CHILDREN WHOSE PARENTS ARE NOT KNOWN OR ARE NOT AVAILABLE

If the parents of a child who has (or is thought to have) a disability are no longer living, or the parent's rights have been legally terminated by a court, or the child is in the custody of the Department of Health and Social Services, or the parents request the assignment of a surrogate parent, or the parents cannot be located, the law requires school officials to appoint an adult to serve as the child's "parent" throughout the special education process. This adult – called a "surrogate parent" under special education laws – has the same rights as the birth parents to request evaluations, approve or not approve programs or to use the mediation or hearing process.

A person appointed as a surrogate parent must not work for the school district and must not have any conflicts of interest that would prevent the adult from being a strong advocate for the child. If a child is in foster care, the foster parent may not serve as the child's surrogate parent; however, the child's caseworker should not fill this role. School officials must provide training to anyone appointed as a surrogate parent to assure adequate representation of the student.

## 10: CONCLUSION

The rights described in this handbook exist because parents, professionals and others concerned about the needs of exceptional children banded together and worked for the passage of state and federal laws. It will take the continued hard work of parents and other child advocates to make sure these rights are not hollow promises but instead result in quality programs for exceptional children.

We hope this handbook has helped you better understand the special education system and has given you some tips on how to get an appropriate program for your child. In addition, Appendix F, beginning at page 46, contains a listing of state-wide parent advocacy and support groups as well as a listing of national organizations that may also be able to assist you.

While the special education system may seem complicated, its basic design is really quite simple: to look at each child, determine what learning needs the child has and provide the program and services necessary to meet those needs. If you and school officials stay focused on your child and your child's needs, an appropriate program should not be hard to obtain.

# APPENDICES

## APPENDIX A: DEFINITIONS OF EXCEPTIONALITIES

The following definitions are from the Alaska Special Education Handbook which follows State education standards found in the Alaska Administrative Code, Chapter 52.

**Autism** – To be eligible for special education and related services as a child with autism, a child must:
1. exhibit a developmental disability significantly affecting verbal and non-verbal communication and social interaction, generally evident before age three, that adversely affects educational performance;
2. require special facilities, equipment, or methods to make the child's educational program effective;
3. be diagnosed as autistic by a psychologist; and
4. be certified by a multi-disciplinary team as qualifying for and needing special education services.
   - Characteristics of autism include:
   - irregularities and impairments in communication;
   - engagement in repetitive activities and stereotyped movements;
   - resistance to environmental change or change in daily routines; and
   - unusual responses to sensory experiences.
   - The term does not include children with characteristics of the disability serious emotional disturbance.

**Deaf-Blindness** – To be eligible for special education and related services as a child with deaf-blindness, a child must:
1. exhibit concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that the child cannot be accommodated in a special education program solely for deaf or blind children;
2. require special facilities, equipment, or methods to make his or her educational program effective;
3. be diagnosed by an optometrist or ophthalmologist and by a physician or audiologist, as appropriate, as deaf-blind; and
4. be certified by a multi-disciplinary team as qualifying for and needing special education services.

**Deafness** – To be eligible for special education and related services as a child with deafness, a child must:
1. exhibit a hearing impairment which hinders the child's ability to process linguistic information through hearing, with or without amplification;
2. require special facilities, equipment, or methods to make his or her educational program effective;
3. be diagnosed by a physician or audiologist as deaf; and
4. be certified by a multi-disciplinary team as qualifying for and needing special education services.

**Gifted** – To be eligible for special education and related services as gifted, a child must:
1. exhibit outstanding intellect, ability, or creative talent as determined by the district;
2. require special facilities, equipment, or methods to make the child's educational program effective; and
3. be certified by a multi-disciplinary team as qualifying for and needing special education services for the gifted.

**Hard of Hearing** – To be eligible for special education and related services as a child with a hearing impairment, a child must:
1. exhibit a hearing impairment which adversely affects educational performance but which is not within the meaning of deaf;
2. require special facilities, equipment, or methods to make his or her educational program effective;
3. be diagnosed by a physician or audiologist as hard of hearing; and
4. be certified by a multi-disciplinary team as qualifying for and needing special education services.

**Learning Disability** – To be eligible for special education and related services as a child with a learning disability, the following seven components must be addressed:

1. The child must exhibit a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as:
   - perceptual handicaps
   - brain injury
   - minimal brain dysfunction
   - dyslexia
   - developmental aphasia

   Learning disability does not include children who have learning problems that are *primarily* the result of:
   - a visual disability
   - a hearing disability
   - mental retardation
   - emotional disturbance
   - environmental, cultural or economic disadvantage
   - lack of attendance
2. In evaluating a child suspected of having a specific learning disability, the multi-disciplinary team must include:
   - the child's regular teacher; or
   - if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; and
   - at least one person qualified to conduct an individual diagnostic examination of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.
3. A team may determine that a child has a specific learning disability if:
   - the child does not achieve commensurate with his or her age and ability levels in one or more of the areas listed below, when provided with learning experiences appropriate for the child's age and ability levels; and
   - the team finds that a child has a severe discrepancy between achievement and intellectual ability in one or more of the following areas:
     - Oral expression
     - Listening comprehension
     - Written expression
     - Basic reading skills
     - Reading comprehension
     - Mathematics calculation
     - Mathematical reasoning
4. Observation
   - At least one MDT member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting.
   - In the case of a child who is out of school, a team member shall observe the child in an environment appropriate for a child of that age.
   - An observation should document the name and title of the observer, the site of the observation, and the date of the observation. The observation report must be attached to the MDT Report.
5. Written Report

   The MDT shall prepare a written report of the results of the evaluation. The report must include a statement of:
   - whether the child has a specific learning disability
   - the basis for making the determination
   - the relevant behavior noted during the observation of the child
   - the relationship of that behavior to the child's academic functioning
   - the educationally relevant medical findings, if any

- whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services
- the determination of the team concerning the effects of environmental, cultural, economic disadvantage, or attendance

The report must be dated and each team member shall certify in writing (by their signature) whether the report reflects the team member's conclusion. If it does not reflect the team member's conclusion, the team member must submit a separate statement presenting his or her conclusions;

6. Require special facilities, equipment, or methods to make his or her education program effective; and
7. Be certified by a multi-disciplinary team as qualifying for and needing special education services.

**Mental Retardation** – To be eligible for special education and related services as a child with mental retardation, a child must:

1. score two or more standard deviations below the national norm on an individual standardized test of intelligence;
2. exhibit deficits in adaptive behavior manifested during the developmental period which adversely affect the child's educational performance;
3. require special facilities, equipment or methods to make his or her educational program effective;
4. be diagnosed as mentally retarded by a psychiatrist or by a psychologist; and
5. be certified by a multi-disciplinary team as qualifying for and needing special education services.

**Multiple Disabilities** – To be eligible for special education and related services as a child with multiple disabilities, a child must:

1. exhibit two or more of the conditions described in this section, the combination of which causes such severe education problems that he or she cannot be accommodated in a special education program for solely one of the conditions;
2. require special facilities, equipment, or methods to make his or her educational program effective;
3. be diagnosed as described in this section for each condition; and
4. be certified by a multi-disciplinary team as qualifying for and needing special education services.

**Orthopedic Impairment** – To be eligible for special education and related services as a child with an orthopedic impairment, a child must:

1. exhibit a severe orthopedic impairment, including impairments caused by congenital anomaly, disease or other causes, which adversely affects educational performance;
2. require special facilities, equipment, or methods to make his or her educational program effective;
3. be diagnosed by a physician as orthopedically impaired; and
4. be certified by a multi-disciplinary team as qualifying for and needing special education services.

**Other Health Impairment** – To be eligible for special education and related services as a child with a health impairment, a child must:

1. exhibit limited strength, vitality, or alertness due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects educational performance;
2. require special facilities, equipment, or methods to make his or her educational program effective;
3. be diagnosed as other health impaired by a physician; and
4. be certified by a multi-disciplinary team as qualifying for and needing special education services.

**Pre-School Disabilities** – To be eligible for special education and related services as a preschool child with disabilities, a child must:

1. Be not less than 3 years old nor more than 6 years of age; *and*
2. Meet the eligibility criteria for: mental retardation, serious emotional disturbance, deafness, hard of hearing, orthopedic impairment, other health impairment, visual impairment, multiple disabilities or deaf-blindness; or

3. Be certified by a multi-disciplinary team as qualifying for and needing special education services as a *pre-school child with developmental delays* by meeting the following criteria:
   a. functions at least two standard deviations below the mean or 25% delayed in age equivalency in at least one of the following five areas:
   - cognitive development
   - physical development which includes fine and gross motor
   - speech/language development which includes articulation, fluency, voice and language
   - psycho-social development and
   - self-help skills; **or**

   b. functions at least 1.7 standard deviations below the mean or 20% delayed in age equivalency in two or more of the five areas in "a" above; and
   c. has learning problems which are not primarily the result of bilingualism, cultural difference, environmental disadvantage or economic disadvantage.

**Serious Emotional Disturbance** – To be eligible for special education and related services as a child with a serious emotional disturbance, a child must:
1. exhibit one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:
   - an inability to learn which cannot be explained by intellectual, sensory, or health factors;
   - an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
   - inappropriate types of behavior or feelings under normal circumstances;
   - a generally pervasive mood of unhappiness or depression; or
   - a tendency to develop physical symptoms of fears associated with personal or school problems.

   The term includes children who are schizophrenic but does not include children who are socially maladjusted; and
2. require special facilities, equipment or methods to make his or her educational program effective;
3. be diagnosed as seriously emotionally disturbed by a psychiatrist or psychologist; and
4. be certified by a multi-disciplinary team as qualifying for and needing special education services.

**Speech Impairment** – To be eligible for special education and related services as a child with a speech impairment, a child must:
1. exhibit a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects educational performance; and
2. require special facilities, equipment, or methods to make his or her educational program effective;
3. be diagnosed by a physician, speech pathologist, or speech therapist as speech impaired; and
4. be certified by a multi-disciplinary team as qualifying for and needing special education services.

**Traumatic Brain Injury** – To be eligible for special education and related services as a child with a traumatic brain injury, a child must:
1. exhibit an injury to the brain caused by an external physical force or by an internal occurrence such as stroke or aneurysm, resulting in total or partial functional disability or psychosocial maladjustment that *adversely affects educational performance*. The term includes open or closed head injuries resulting in mild, moderate, or severe impairments in one or more areas, including cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not include brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma;
2. require special facilities, equipment, or methods to make his or her educational program effective;
3. be diagnosed by a physician as having a traumatic brain injury; and
4. be certified by a multi-disciplinary team as qualifying for and needing special education services.

**Visual Impairment** – To be eligible for special education and related services as a child with a visual impairment, a child must:

1. exhibit a visual impairment, not primarily perceptual in nature, resulting in measured acuity of 20/70 or poorer in the better eye with correction, or a visual field restriction of 20 degrees as determined by an optometrist or ophthalmologist, which even with correction, adversely affects educational performance; or
2. exhibit a physical eye condition that affects visual functioning to the extent that specially designed instruction is needed; and
3. require special facilities, equipment, materials, or methods to make his or her educational program effective as determined by a teacher of visually impaired; and
4. be certified by a multi-disciplinary team, which includes a certified teacher of visually impaired, as qualifying for and needing special education services.

## APPENDIX B: SAMPLE LETTER REQUESTING AN EVALUATION

**YOUR ADDRESS**
**YOUR PHONE NUMBER**
**DATE**

**PRINCIPAL**
**CHILD'S SCHOOL**
**ADDRESS**

Dear :

I am the parent of _____, whose date of birth is _____ and who is a student in the _____ grade.

My child has not been doing well in school and I believe _____ may need special education services. I am therefore requesting a complete Multi-Disciplinary Team (MDT) evaluation to determine if _____ is an exceptional child and, if so, what programs and services are needed.

Should you have any questions or problems with this request, please contact me.

Thank you.

Sincerely,

**YOUR NAME**

## APPENDIX C: SAMPLE LETTER REQUESTING A RE-EVALUATION

**YOUR ADDRESS**
**YOUR PHONE NUMBER**
**DATE**

**PRINCIPAL**
**CHILD'S SCHOOL**
**ADDRESS**

Dear :

I am the parent of _____, whose date of birth is _____ and who is a student in the _____ grade/program.

My child has not been doing well in school. In order to understand what changes may be needed in my child's special education program or services I am requesting that _____ receive a complete re-evaluation.

Please contact me at your earliest convenience to let me know when the re-evaluation will take place.

Thank you.

Sincerely,

**YOUR NAME**

## APPENDIX D: SAMPLE LETTER REQUESTING AN INDEPENDENT EVALUATION

**YOUR ADDRESS**
**YOUR PHONE NUMBER**
**DATE**

**PRINCIPAL**
**CHILD'S SCHOOL**
**ADDRESS**

Dear :

I am the parent of _____, whose date of birth is _____ and who is a student in the _____ grade/program.

I am requesting that the school district agree to pay for an independent evaluation of my child. I believe the district's evaluation was not appropriate because .....[examples: it did not use the correct testing instruments; it has not helped develop an appropriate program for my child].

I understand that if the school district turns down my request, it must arrange for a special education hearing. I would appreciate it if you would contact me at your earliest convenience to let me know whether the independent evaluation will be provided or when the hearing will be scheduled.

Thank you.

Sincerely,

**YOUR NAME**

## APPENDIX E: SAMPLE LETTER REQUESTING A DUE PROCESS HEARING

**YOUR ADDRESS**
**YOUR PHONE NUMBER**
**DATE**

**PRINCIPAL**
**CHILD'S SCHOOL**
**ADDRESS**

Dear :

I am the parent of _____, whose date of birth is _____ and who is a student in the _____ grade/program.

I am hereby requesting a due process hearing to address my concerns about .....[examples: the proposed educational placement which does not meet my child's needs as set forth in the IEP; the district's refusal to consider the results of the independent evaluation in the proposed IEP]

I understand that under federal and state regulations, the hearing must be held within 30 calendar days of my request and that a final decision of the hearing officer must be issued within 45 calendar days.

[I would like to see and get copies of my child's school records. Please let me know a convenient date and time.]

Thank you.

Sincerely,

**YOUR NAME**

## APPENDIX F: PARENT ADVOCACY AND SUPPORT GROUPS

Listed below are the offices of various advocacy and parent support groups in Alaska.

**Advocacy Services of Alaska**
615 East 82nd Ave., Suite 101
Anchorage, AK 99518
1-800-478-1324
Fax 349-1002

*Regional Offices*
230 South Franklin
Juneau, AK 99801
(907) 586-1627
Fax 586-1066

250 Cushman, Suite 3H
Fairbanks, AK 99701
(970) 456-1070
Fax 456-1080

**Agent Orange Class Assistance Program**
University of Alaska Fairbanks
Fairbanks Vet Center
520 Fifth Ave., Suite 200
Fairbanks, AK 99701
(907) 456-4238
Fax 456-0475

**Alaska Alliance for Deaf Children**
P.O. Box 962
Douglas, AK 99824
(907) 790-2246

**Alaska Alliance for the Mentally Ill**
4050 Lake Otis Parkway, Suite 103
Anchorage, AK 99501
(907) 561-3127
Fax (907) 561-2717

**Alaska Association of Parents of Visually Impaired**
c/o Marge Mochak
210 Charteris St.
Sitka, AK 99835
(907) 747-6342

**Alaska Chapter of National Down Syndrome Congress**
S.R. 1706 Eagle River Rd.
Eagle River, AK 99577
(907) 694-2545

**Alaska C.O.P.E. (Coalition of Parents Educating for the Disabled and Medically Complex)**
P.O. Box 220584
Anchorage, AK 99522-0584
(907) 522-1097

**Anchorage School District Special Education Parent Resource Center**
2220 Nichols St.
Anchorage, AK 99508
(907) 263-9285

**Assistive Technologies of Alaska**
400 D Street, Suite. 200
Anchorage, AK 99501
(907) 274-0138
TDD (907) 274-0138

**Association of the Deaf, Alaska**
1345 Rudaof Circle, Suite 107
Anchorage, AK 99508
(907) 278-2621

**Bethel Parent Resource Center**
Bethel Community Services
Bethel, AK
(907) 543-3695

**Challenge Alaska**
P.O. Box 110065
Anchorage, AK 99511-0065
(907) 563-2658
Fax 561-6142

**Cleft Palate Parents of Alaska**
HC 80 Box 7589
Chugiak, AK 99567
(907) 688-3893

**Elks-Help**
Richard Siegrist, Director
634 5th Ave.
Fairbanks, AK 99701
(907) 452-3557

**F.A.S./E. Support Group**
SEPRC
2220 Nichols St.
Anchorage, AK 99508
(907) 263-9285

**Fairbanks Special Education Parent Resource Center**
(907) 474-4699

**Fragile X Resource**
P.O. Box 7524
Nikiski, AK 99635
(907) 776-8566

**Governor's Council on Disabilities and Special Education**
P.O. Box 240249
Anchorage, AK 99524
(907) 563-5355 (Voice/TDD)

**KAAP (Ketchikan Association for People with Disabilities)**
2291 Foxhall
Ketchikan, AK 99504
(907) 337-0042

**Kenai Special Education Parent Resource Center**
162 E. Park Ave.
Soldotna, AK 99669
(907) 262-8538

**Ketchikan Area Parent Resource Center**
2610 4th Ave.
Ketchikan, AK 99907
(907) 247-5223

**Learning Disability Association**
108 W. Cook Ave.
Anchorage, AK 99501
(907) 279-1662

**Mat-Su Parent Resource Center**
5050 Dunbar St.
Wasilla, AK 99803
(907) 376-3632

**Maternal, Child and Family Health**
P.O. Box 110612
Juneau, AK 99811-0612
Nutrition Services – (907) 465-3101
Women, Infants and Children Program – supplemental food program 465-3109

1231 Gambell St.
Anchorage, AK 99501
Infant Learning Program – (907) 274-2542
Communicative Disorders Program (audiology) – (907) 276-5354
Handicapped Children's Program – (907) 272-1534
Maternal and Adolescent Health Program – (907) 279-4711
Genetics and Birth Defects Program and Newborn Screening – (907) 274-3636

**P.A.R.E.N.T.S., Inc. (Parents as Resources Engaged in Networking and Training Statewide)**
540 West International Airport Rd., Ste. 200
Anchorage, AK 99518
(907) 563-2246
Fax 563-2257

**Parents of Autistic Children**
2124 Esquire Drive
Anchorage, AK 99517
(907) 276-1059

**The Parent Center**
207 Moller Dr.
Sitka, AK 99835
(907) 747-3737

**Special Olympics Alaska**
21-410 2nd Street
Elmendorf AFB, AK 99504
(907) 753-2182
Fax 753-2192

**TASH (The Association for the Severely Handicapped)**
2217 E. Tudor Road, Suite 1
Anchorage, AK 99507
(907) 562-7372

**Very Special Arts Alaska**
P.O. Box 773185
Eagle River, AK 99577
(907) 694-8722
Fax 694-8752

## Alaska Infant Learning Programs

| ILP Contact | Service Area |
|---|---|
| *Programs for Infants & Children, Inc. Infant Learning Program*<br>4454 Business Park Blvd.<br>Anchorage, AK 99503<br>(907) 561-8060 | Serves the Anchorage area |
| *Prince William Sound ILP*<br>P.O. box 1608<br>Cordova, AK 99574<br>(907) 424-3425 | Serves the Cordova area |
| *Anchorage School District*<br>*Alaska State School for the Deaf*<br>2220 Nichols Street<br>Anchorage, AK 99508<br>(907) 274-4582 Ext. 209 | Statewide |
| *Special Education Service Agency*<br>Blind/Visually Impaired<br>Infant Learning Program<br>2217 E. Tudor Road, Suite 1<br>Anchorage, AK 99507<br>(907) 562-7372 | Statewide |

Alaska Infant Learning Programs (cont.)

| ILP Contact | Service Area |
|---|---|
| *Special Education Service Agency*<br>Statewide Evaluation Travel Team<br>Infant Learning Program<br>2217 E. Tudor Road, Suite 1<br>Anchorage, AK 99507<br>(907) 562-7372 | Northern area |
| *North Slope Borough*<br>Dept. of Health & Social Services<br>Infant Learning Program<br>Box 69<br>Barrow, AK 99723<br>(907) 852-0270 | Serves Barrow and surrounding villages |
| *Bethel Community Services*<br>Infant Learning Program<br>Box 2188<br>Bethel, AK 99559<br>(907) 543-3690 | Serves Bethel and surrounding villages |
| *Northwest Arctic School District*<br>Kotzebue Infant Learning Program<br>P.O. Box 51<br>Kotzebue, AK 99752<br>(907) 442-3472 | Serves Kotzebue and surrounding villages |
| *McGrath-Anvik Educational and Mental Health Association*<br>Infant Learning Program<br>P.O. Box 44<br>McGrath, AK 99627<br>1-800-478-3781 | Serves McGrath and surrounding villages |
| *Norton Sound Health Corporation*<br>Infant Learning Program<br>P.O. Box 966<br>Nome, AK 99762<br>(907) 443-3298 | Serves Nome and surrounding villages |
| *Petersburg Children's Center*<br>Infant Learning Program<br>P.O. Box 377<br>Petersburg, AK 99833<br>(907) 772-4611 Ext. 133 | Serves Petersburg and Wrangell |

| ILP Contact | Service Area |
|---|---|
| *Aleutians East Borough School District*<br>Box 429<br>Sand Point, AK 99661-0429<br>(907) 383-5222 | Serves East Aleutian villages |
| *Seward Life Action Council*<br>Infant Learning Program<br>504 Adams Street<br>Box 1045<br>Seward, AK 99664<br>(907) 224-5257 | Serves Seward |
| *Sitka PACS Center for Community*<br>Infant Learning Program<br>P.O. Box 6069<br>Sitka, AK 99835<br>(907) 747-8733 | Serves Sitka and surrounding villages |
| *Mat-Su Services for Children and Adults, Inc.*<br>5050 Dunbar Street, Suite A<br>Wasilla, AK 99687<br>(907) 373-1400 | Serves Palmer, Wasilla, Talketna |
| *Copper River Native Association*<br>Drawer H<br>Copper Center, AK 99573<br>(907) 822-5241 | Serves Glenallen and surrounding villages |
| *FOCUS, Inc.*<br>P.O. Box 671750<br>Chugiak, AK 99567<br>(907) 688-0282 | Serves Eagle River |
| *Project TEACH*<br>1020 Barnette Street<br>Fairbanks, AK 99701<br>(907) 456-2640 | Serves the Fairbanks area |
| *Tanana Chiefs Conference*<br>Infant Learning Program<br>122 First Avenue<br>Fairbanks, AK 99701<br>(907) 452-8251<br>1-800-478-6822 | Serves the Interior villages |

Alaska Infant Learning Programs (cont.)

| ILP Contact | Service Area |
|---|---|
| *Homer Children's Services*<br>Infant Learning Program<br>3691 Ben Walter Lane<br>Homer, AK 99603<br>(907) 235-6044 | Serves Homer and Russian villages |
| *REACH*<br>P.O. Box 34197<br>Juneau, AK 99803<br>(907) 789-7673 | Serves Juneau and surrounding villages |
| *Frontier Training Center*<br>P.O. Box 2110<br>Soldotna, AK 99696<br>(907) 262-6331 | Serves Kenai and Soldotna areas |
| *Community Connections*<br>Infant Learning Program<br>P.O. Box 9586<br>Ketchikan, AK 99901<br>(907) 225-5396 | Serves Ketchikan and surrounding villages |
| *Kodiak Area Native Association*<br>Infant Learning Program<br>402 Center Avenue<br>Kodiak, AK 99615<br>(907) 486-5725 or 486-4643 | Serves Kodiak and surrounding villages |

## SERVICE ORGANIZATIONS: National

**ACCENT on Information, Inc.**
P.O. Box 700
Bloomington, Il 61701

**Alexander Graham Bell Association for the Deaf**
3417 Volta Place
Washington, DC 20007

**American Alliance for Health, Physical Education, Recreation, & Dance Programs for the Handicapped**
1201 16th St., N.W.
Washington, DC 20036

**American Association on Mental Deficiency**
5101 Wisconsin, NW, Suite 405
Washington, DC 20016

**American Association of Psychiatric Services for Children**
1522 K Street, NW, Suite 1112
Washington, DC 20005

**American Cancer Society, Inc.**
777 Third Avenue
New York, NY 10017

**American Civil Liberties Union**
132 West 43rd Street
New York, NY 10036

**American Cleft Palate Educational Foundation**
Louisiana State University Medical Center
Dept. of Audiology & Speech Pathology
3755 Blair
Shreveport, LA 20852

**American Coalition of Citizens with Disabilities**
1200 - 15th Street NW #201
Washington, DC 20005

**American Council of the Blind**
1211 Connecticut Ave., N.W.Suite 506
Washington, DC 20036

**American Lung Association**
1740 Broadway
New York, NY 10019

**American Orthotic and Prosthetic Association**
1444 N. Street NW
Washington, DC 20005

**American Printing House for the Blind**
1839 Frankfort Avenue, P.O. Box 6085
Louisville, KY 40206

**American Speech Language & Hearing Association**
10801 Rockville Pike
Rockville, MD 20852

**Association for Children & Adults with Learning Disabilities**
4156 Library Road
Pittsburgh, PA 15234

**Association for Education of the Visually Handicapped, Inc.**
206 N. Washington Street
Alexandria, VA 22314

**The Association for the Severely Handicapped (TASH)**
7010 Roosevelt Way NE
Seattle, WA 98115

**The Association on Handicapped Student Service Programs in Post-Secondary Education**
Box 8256 University Station
Grand Forks, ND 58202

**Association for Retarded Citizens of the United States**
National Headquarters
2501 Avenue J
Arlington, TX 76011

**Association of Learning Disabled Adults**
P.O. Box 9722
Friendship Station
Washington, DC 20016

**The Candlelighters Foundation**
2025 Eye Street, N.W. Suite 1011
Washington, DC 20006

**Coordinating Council for Handicapped Children**
220 South Street, Room 412
Chicago, IL 60604

**Cornelia de Lange Syndrome Foundation**
60 Dyer Avenue
Collinsville, CT 06022

**Council for Exceptional Children**
1920 Association Drive
Reston, VA 22091

- Division of Administrators of Special Education
- Division for Children with Communication Disorders
- Division of Early Childhood
- Division for Learning Disabilities
- Division on Mental Retardation
- Division for the Physically Handicapped
- Division for the Visually Handicapped

**Developmental Disabilities Office U.S. Department of Health and Human Service**
200 Independence Avenue, SW
Room 338E
Washington, DC 20201

**Down's Syndrome Congress**
1640 W. Roosevelt Rd., Rm. 156E
Chicago, IL 60608

**Epilepsy Foundation of America**
4351 Garden City Drive, Suite 406
Landover, MD 20785

**Federation of the Handicapped, Inc.**
211 West 14th Street
New York, NY 10011

**Friedreich's Ataxia Group in America, Inc.**
P.O. Box 11116
Oakland, CA 94611-0116

**American Foundation for the Blind**
15 West 16th Street
New York, NY 10011

**American Genetics Association**
818 18th Street, NW
Washington, DC 20036

**Goodwill Industries of America**
9200 Wisconsin Avenue
Washington, DC 20014

**Helen Keller National Center for Deaf - Blind Youth & Adults**
111 Middle Neck Road
Sands Point, NY 11050

**Human Resources Center**
I.U. Willets Road
Albertson, NY 11507

**International Association for Parents of the Deaf**
814 Thayer Avenue
Silver Spring, MD 20910

**March of Dimes Birth Defects Foundation**
1275 Mamaroneck Avenue
White Plains, NY 22209

**Mental Health Association**
1800 N. Kent Street
Arlington, VA 22209

**National Alliance for the Mentally Ill**
1234 Massachusetts Ave., N.W.
Washington, DC 20005

**Handicapped**
3201 Bolboa Street
San Francisco, CA 94121

**National Association of the Deaf**
814 Thayer Avenue
Silver Spring, MD 20910

**National Association of the Deaf-Blind**
2703 Forest Oak Circle
Norman, OK 73071

**National Association of Physically Handicapped**
76 Elm Street
London, OH 43146

**National Ataxia Foundation**
6681 Country Club Drive
Minneapolis, MN 55427

**Boy Scouts of America, Scouting for the Handicapped Division**
P.O. Box 61030
Dallas/Ft. Worth Airport, TX 75261

**Cancer Information Clearinghouse**
National Cancer Institute
Bethesda, MD 20205

**The National Hemophilia Foundation**
25 West 39th Street
New York, NY 10018

**National Information Center on Deafness**
Gallaudet College
Washington, DC 20002

**National Information Center on Handicapped Children & Youth**
1555 Wilson Blvd., Suite 508
Rosslyn, VA 22209

**National Library Service for the Blind & Physically Handicapped**
Library of Congress
1291 Taylor Street, NW
Washington, DC 20542

**National Multiple Sclerosis Society**
205 East 42nd Street, NW
New York, NY 10017

**National Neurofibromatosis Foundation**
70 West 42nd Street
New York, NY 10018

**National Rehabilitation Association**
633 S. Washington Street
Alexandria, VA 22314

**National Rehabilitation Information Center**
4407 Eight Street, NW
Washington, DC 20017

**National Society for Children & Adults with Autism**
1324 Massachusetts Avenue, NW.
Suite 1017
Washington, DC 20005-4599

**National Spinal Cord Injury Association**
369 Elliot Street
Newton Upper Falls, MA 02164

**National Stuttering Project**
1269 7th Avenue
San Francisco, CA 94122

**National Tay-Sachs and Allied Diseased Association**
92 Washington Avenue
Cedarhurst, NY 11516

**Girl Scouts of the U.S.A.**
**Services for Girls with Special Needs**
830 Third Avenue
New York, NY 10022

**The Orton Dyslexia Society**
724 York Road
Baltimore, MD 21204

**Osteogenesis Imperfects Foundation, Inc.**
P.O. Box 428
Van Wert, OH 45891

**Paralyzed Veterans of America**
4350 East-West Highway, Suite 900
Washington, DC 20814

**Parents' of Down's Syndrome Children**
11507 Yates Street
Silver Spring, MD 20922

**People First International, Inc.**
P.O. Box 12642
Salem, OR 97309

**Prader-Willi Syndrome Association**
5515 Malibu Drive
Edina, MN 55436

**President's Committee on Employment of the Handicapped**
Washington, DC 20010

**President's Committee on Mental Retardation**
Washington, DC 20201

**Muscular Dystrophy Association**
810 Seventh Avenue
New York, NY 10019

**Recording for the Blind, Inc.**
215 East 58th Street
New York, NY 10022

**Special Education Programs**
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

**Spina Bifida Association of America**
343 South Dearborn Drive, Suite 317
Chicago, IL 60604

**National Center for Barrier Free Environment**
1015 15th Street
Washington, DC 20005

**National Down Syndrome Society**
146 East 57th Street
New York, NY 10022

**National Easter Seal Society**
2023 West Ogden Avenue
Chicago, IL 60612

**National Tuberous Sclerosis Association**
P.O. Box 159
Laguna Beach, CA 92652

**Office for Handicapped Individuals**
**U.S. Department of Health and Human Services**
200 Independence Avenue, SW
Washington, DC 20201

**Office of Rehabilitation Services**
**U.S. Department of Education**
400 Maryland Avenue, SW
Washington, DC 20202

**Tourette Syndrome Association, Inc.**
41-02 Bell Boulevard
Bayside, NY 11361

**United Cerebral Palsy Association, Inc.**
66 E. 34th Street
New York, NY 10016

**United Ostomy Association, Inc.**
2001 W. Beverly Boulevard
Los Angeles, CA 90057

## APPENDIX G: GLOSSARY OF SPECIAL EDUCATION TERMS

**ASSISTIVE TECHNOLOGY DEVICE** – Any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities. See Chapter 3.

**APPROPRIATE PROGRAM** – A free program of education and related services that is designed to meet the child's special needs and allows the child to make meaningful progress in school. See Chapter 1.

**CONSENT** – Parental consent is required in three instances: (1) prior to the initial evaluation; (2) prior to initial placement in a special education program; and (3) prior to releasing any personally identifiable information about the child to any person not otherwise entitled by law to see it. Consent is *not* required after the initial evaluation or initial placement, although you must be notified of any changes. Consent means that the parent (a) has been fully informed, in his or her native language or other form of communication, of all information relevant to the activity for which consent is sought; (b) understands and agrees in writing to implementation of the activity for which consent is sought and that the consent describes the activity and lists the records (if any) which will be released and to whom; and (c) understands that the granting of consent is voluntary and may be revoked prior to the action, requiring consent, transpiring. See Chapters 2 and 3.

**DISABILITY** – Under IDEA children with disabilities are those who meet the following three criteria:

the child has a physical or mental impairment; and

the presence of such physical or mental impairment has adversely affected the educational performance of the child; and

because of such physical or mental impairments the child is in need of special education and related services.

**DUE PROCESS** – The procedures that parents may use to disagree with school officials' decisions. The due process procedures include right to written notice, the right to a formal hearing, and appeals. See Chapter 5.

**EDUCATION PERFORMANCE** – Performance in school, or in the case of pre-school children with disabilities, performance in an age appropriate setting.

**ESY** – Extended School Year. The provision of special education and related services that extend beyond the regular school year. See Chapter 3.

**EVALUATION** – The procedures used to find out whether a child is disabled and to find out the kinds of special education and related services that the child needs. The term means those procedures used with an individual child and does not mean the routine tests given to all children in a school, grade, or class. See Chapter 2.

**EXCEPTIONAL** – Students who have a disability (sometimes called "eligible students") or who are gifted, and because of their needs require a special education program. The term includes children with mental, emotional, sensory and health impairments and children with physical disabilities. See Chapter 1 and Appendix A.

**FAPE** – Free Appropriate Public Education. Every school-aged child with a disability is entitled to an education which meets his/her individual needs. Education is at public expense. Every school district must provide a special education program and/or services appropriate for each child with a disability.

**GUARDIAN** – A private individual who has been given the legal custody of a child by a court of a state or by the operation of the laws of a state.

**IEE** – Independent Education Evaluation. An evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the child in question. See Chapter 2.

**IEP** – Individualized Education Program. A written form that spells out the specific programs and services the child will receive. The IEP also contains goals and objectives for the child, the date services are to start, and other information about the program. See Chapter 3.

**LEAST RESTRICTIVE ENVIRONMENT** – As defined by federal law, the state and local school districts must demonstrate that they have established:

"procedures to assure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." See Chapter 4.

**MDT** – Multi-Disciplinary Team. A team of school staff that reviews all formal testing of a child and all other evaluation material. The MDT must issue a written Report recommending whether the child has a disability, and, if so, needs special education services. See Chapter 2.

**MEDIATION** – A voluntary system that parents and school officials can use to work out disagreements over a child's exceptionality, program or placement. Using mediation is free and does not affect the right to use the due process procedures. See Chapter 5.

**PERSON ACTING AS A PARENT** – A person who, with the consent of the parent, is acting in the place of the parent during the parent's absence. If a person asserting that he or she is acting as a parent is not a member of the child's extended family, then written consent of the parent to such an arrangement must by provided to the district.

**PLACEMENT** – The setting in which special education services are provided, not the specific classroom, teacher or school.

**PLEP** – Present Level of Educational Performance. A statement which accurately describes the effect of the child's disability on the child's performance in any area of education that is affected. See Chapter 3.

**RELATED SERVICES** – Transportation and other support services, such as physical, speech or occupational therapy, that are needed to help a child benefit from or have access to the school program. All related services needed must be provided without charge. See Chapter 3.

**SPECIAL EDUCATION** – The program of services recommended by the IEP team to meet the educational needs of a child with a disability. These services reflect specially designed instruction.

**STAY PUT** – A provision which requires the child to remain in present program during due process proceedings unless a different placement is agreed to by the parents and the district.

**SURROGATE PARENT** – An individual who acts in place of a parent and meets the qualification for surrogate parents.

**WARD OF THE STATE** – When the courts assign legal responsibility to make decisions regarding a child's education to a state agency or representative of a state agency. Some children are wards of the State solely for the purpose of care and treatment. In such cases, the parent(s) of the child maintains responsibility for participation in educational decision-making. A child who is a ward of the state is provided with a surrogate parent only when the courts have severed the parents' rights regarding educational decisions.

## APPENDIX H: LEGAL BIBLIOGRAPHY

Laws and policies that give children the right to a free appropriate education exist at the federal, state and local levels. It is important to remember that while state laws or local policies may *expand* the rights provided under federal law, they may not *reduce* federal rights. When a state law or local policy conflict with the federal law, federal law controls.

### ❒ FEDERAL LAWS AND REGULATIONS

*The Individuals with Disabilities Act - IDEA* - (P.L. 101-476), formerly *The Education of the Handicapped Act* (P.L. 94-142), is the main federal law in the special education area for students who have disabilities. The law provides for pre-school and early intervention services to children with disabilities ages birth to age 5 and for special education for school-age children through age 21, who, because of their disability, need special education and related services.

*Section 504 of the Rehabilitation Act of 1973* is a "civil rights" law that prohibits discrimination against otherwise qualified people on the basis of handicap. The law protects all "handicapped" persons, does not require that the "handicap" affect performance and, with regard to education, confers many - but not all - of the protections spelled out in the procedural safeguards of IDEA.

*The Americans with Disabilities Act (ADA)* extends civil rights protections to individuals with disabilities that are like those provided to individuals on the basis of race, sex, national origin, and religion. It guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, State and local government services, and telecommunications.

### ❒ STATE LAWS AND REGULATIONS

*The Compiled School Laws of Alaska* and *The Alaska Education Regulations* require that school districts identify and appropriately educate all exceptional children, including children with disabilities and children who are mentally gifted.

Relevant sections of the School Law are found at Article 3, Sections 14.30.180 through Sec. 14.30.350.

Title IV, Chapter 52 (4 AAC 52.010 through 52.990) of the Alaska Administrative Code is the main chapter of the state regulations on special education, including IEPs, placement options and due process procedures.

## ❒ POLICIES

In order to receive federal special education funds, each school district must submit a yearly application to the Department of Education. The application must describe the procedures for complying with federal and state requirements for serving children with disabilities. *The Alaska Special Education Handbook for Serving Students with Disabilities* contains all of the requirements for a local application. A district may choose to adopt the entire handbook, adopt parts of the handbook and develop procedures for those parts of the handbook not adopted, or it may choose not to adopt any of the handbook and develop its own procedures. However, it is required that the district have procedures which are in compliance with federal and state requirements and which are approved by the Department. You may usually see a copy of your district's plan through the Superintendent's office or through the Director of Special Education.

## APPENDIX I: LIST OF FREQUENTLY USED ACRONYMS

| | |
|---|---|
| ADD | Attention Deficit Disorder |
| ADHD | Attention Deficit Hyperactivity Disorder |
| AT | Assistive Technology |
| AYI | Alaska Youth Initiative |
| CFR | Code of Federal Regulations |
| DFYS | Division of Family and Youth Services |
| DMHDD | Division of Mental Health and Developmental Disabilities |
| DOE | Department of Education |
| DVR | Division of Vocational Rehabilitation |
| EPS | Educational Program Support |
| ESY | Extended School Year |
| FADE | Fetal Alcohol Drug Effect |
| FAE | Fetal Alcohol Effect |
| FAPE | Free Appropriate Public Education |
| FAS | Fetal Alcohol Syndrome |
| FERPA | Family Educational Rights and Privacy Act of 1974 |
| 504 | Rehabilitation Act of 1973 (Public Law 93-112, Section 504) |
| IEE | Independent Education Evaluation |
| IEP | Individualized Education Program |
| IFSP | Individual Family Service Plan |
| IDEA | Individuals with Disabilities Education Act |
| IQ | Intelligence Quotient |
| JTPA | Job Training Partnership Act |
| LD | Learning Disability |
| LEA | Local Education Agency |
| LRE | Least Restrictive Environment |
| MD | Multiple Disabilities |
| MDT | Multi-Disciplinary Team |
| MR | Mental Retardation |
| OCR | Office of Civil Rights |
| OHI | Other Health Impairment |
| OI | Orthopedic Impairment |

| | |
|---|---|
| OT | Occupational Therapist/Occupational Therapy |
| P.L. 94-142 | The Education of All Handicapped Children Act (EHA), renamed the Individuals with Disabilities Education Act (IDEA) |
| P.L. 99-457 | The Education of Handicapped Amendments of 1986 |
| PLEP | Present Level of Educational Performance |
| PT | Physical Therapist/Physical Therapy |
| SED | Serious Emotional Disturbance |
| SESA | Special Education Service Agency |
| SERRC | South East Regional Resource Center |
| SI | Speech Impairment |
| STO | Short Term Objective |
| TBI | Traumatic Brain Injury |
| VI | Visual Impairment |

BEST COPY AVAILABLE